

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Inline Connection Corporation,

Plaintiff,

v.

Verizon Internet Services, Inc., et al.,

Defendants.

Civil Action No. 05-866 (JJF)

**REDACTED VERSION  
SEPTEMBER 7, 2006**

**APPENDIX TO VERIZON DEFENDANTS' REPLY BRIEF IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT DISMISSING THIS ACTION FOR  
LACK OF SUBJECT MATTER JURISDICTION**

OF COUNSEL:

John B. Wyss  
Kevin P. Anderson  
WILEY REIN & FIELDING LLP  
1776 K Street NW  
Washington, DC 20006  
Telephone: 202.719.7000  
Facsimile: 202.719.7049

Jeffrey B. Bove (#998)  
CONNOLLY BOVE LODGE & HUTZ LLP  
The Nemours Building  
1007 North Orange Street, Suite 878  
Wilmington, DE 19801  
Telephone: 302.658.9141  
Facsimile: 302.658-5614

Counsel for Verizon Defendants

Dated: September 1, 2006

**Table of Contents**

<b><u>Exhibit</u></b>	<b><u>Page</u></b>
Declaration of John B. Wyss .....	C001
Exh. 1: A February 15, 2004 , Inline Draft “Proposed Mercury Joint Venture Term Sheet” .....	C003
Exh. 2: A February 23, 2004 “Peisner Mark Up” of a draft “License Agreement By And Among Inline Connection Corporation David Goodman And Mercury Communications I, LLC” .....	C004
Exh. 3: An April 11, 2005 email from Juan Rios to David Goodman .....	C015

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Inline Connection Corporation,

Plaintiff,

v.

Verizon Internet Services, Inc., et al.,

Defendants.

Civil Action No. 05-866 (JJF)

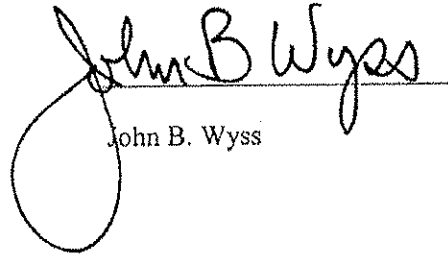
DECLARATION OF JOHN B. WYSS

I, John B. Wyss, do hereby declare as follows:

1. I am an attorney with the law firm of Wiley, Rein & Fielding LLP, counsel to Defendants. I have personal knowledge of the facts set forth in this declaration.
2. Attached hereto as Exhibit 1 is a true and correct copy of a February 15, 2004, Inline Draft "Proposed Mercury Joint Venture Term Sheet" previously produced by Inline in this litigation as ICC/VZ078429.
3. Attached hereto as Exhibit 2 is a true and correct copy of a February 23, 2004 "Peisner Mark Up" of a draft "License Agreement By And Among Inline Connection Corporation David Goodman And Mercury Communications I, LLC" previously produced by Inline in this litigation as ICC/VZ075669 – ICC/VZ075679.
4. Attached hereto as Exhibit 3 is a true and correct copy of an email from Juan Rios to David Goodman dated April 11, 2005, previously produced by Inline in this litigation as ICC/VZ076534.

COO1

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of September, 2006.

A handwritten signature in cursive script, reading "John B. Wyss", is written over a horizontal line. Below the line, the name "John B. Wyss" is printed in a standard serif font. A large, loopy flourish extends from the bottom of the signature line.

EXHIBITS  
1, 2, 3  
FULLY  
REDACTED

**CERTIFICATE OF SERVICE**

I hereby certify that the 1<sup>st</sup> day of September, 2006, a true copy of the foregoing

*Appendix to Verizon Defendants' Reply Brief In Support Of Motion For Summary Judgment*

*Dismissing This Action For Lack Of Subject Matter Jurisdiction, as FILED UNDER SEAL,*

was sent to plaintiff's counsel, in the manner indicated, upon:

Julia Heaney, Esq. (Served electronically and by hand delivery)  
MORRIS NICHOLS ARSHT & TUNNELL LLP  
1201 N. Market Street  
Post Office Box 1347  
Wilmington, Delaware 19899-1347  
jhefiling@mnat.com

Michael K. Plimack, Esq. (Served electronically and by overnight delivery)  
Alexander L. Brainerd, Esq.  
HELLER EHRMAN LLP  
333 Bush Street  
San Francisco, California 94104  
Alexander.Brainerd@hellerehrman.com  
Michael.Plimack@hellerehrman.com

C. Joël Van Over, Esq. (Served electronically and by overnight delivery)  
Bingham McCutchen LLP  
3000 K Street, NW  
Suite 300  
Washington, DC 20007-5116  
joel.vanover@bingham.com

By: /s/ Jeffrey B. Bove  
Jeffrey B. Bove (#998)

**REDACTED VERSION**  
**SEPTEMBER 7, 2006**